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Mitsuaki Fukuda

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38834

7590

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EXAMINER

KHAN, USMAN A

ART UNIT

PAPER NUMBER

2622

MAIL DATE

DELIVERY MODE

06/26/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/784,776	Applicant(s) FUKUDA ET AL.	
	Examiner USMAN KHAN	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 3-9 and 13-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,10-12 and 16-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

Applicant's arguments filed on 03/17/2008 with respect to claims 1 - 3 and 12 have been considered but are not persuasive.

Regarding **claims 1 and 20 - 22**, Applicant argues that in Shimizu fails to disclose "a guide determining unit which determines how the object is to be guided to the expected position based on the expected shooting state information and an image shot by said shooting unit". In addition, Applicant argues that Shimizu fails to disclose a position of the object (which is shot by a camera) is movable in the present invention.

In response the examiner notes that as shown in figures 3 – 35 and more specifically in figures 1 - 2 the trajectory of the car is shown in the display item 8 and is considered the guiding information, Note: the car and the surrounding are considered the object.

This display portion showing the car and the surrounding in which any of the items shown in the display can be considered the object. Also, paragraphs 0109, 0136 and figures 1 - 2 item 7; camera shooting the surrounding i.e. target parking position, the subject vehicle position, and an expected parking position also figures 3 – 35 and paragraphs 0008 *et seq.* target parking position, the subject vehicle position, and an expected parking position; When the car considered the object the car is a movable object.

Regarding **claim 12**, Applicant argues that Shimizu does not detect a proportion of the image in the particular color to a whole of an image shot by said shooting unit.

In response the examiner notes that in paragraphs 0022 – 0023, 0045, and 0159 Shimizu teaches that display color can be changed and the object can be any one of in figures 1 - 35 the car and the surrounding. This display portion showing the car and the surrounding in which any of the items shown in the display can be considered the object. Hence the object is shot at a particular color, this particular color being the color of the object.

Regarding **claim 19**, Applicant respectfully traverses the Examiner's statement and request that the Examiner produce authority for the statement.

Hence the examiner has incorporated a newly searched reference to back the examiners official notice rationale for claim 19.

Regarding objection to specification provided in the previous office action for failing to provide a descriptive title. Applicant has amended the title of the invention hence the objection to the title is withdrawn.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 – 2, 10 – 12, 16 – 18, and 20 - 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Shimizu et al. (US PgPub 2002/0041239).

Regarding **claim 1**, Shimizu et al. teaches a shooting device (paragraphs 0109, 0136 and figures 1 - 2 item 7; camera), comprising: a shooting unit which shoots an object, a position of the object being movable (in figures 3 – 35 and more specifically in figures 1 - 2 the trajectory of the car is shown in the display item 8 and is considered the guiding information, Note: the car and the surrounding are considered the object. This display portion showing the car and the surrounding in which any of the items shown in the display can be considered the object. Also, paragraphs 0109, 0136 and figures 1 - 2 item 7; camera shooting the surrounding i.e. target parking position, the subject vehicle position, and an expected parking position also figures 3 – 35 and paragraphs 0008 *et seq.* target parking position, the subject vehicle position, and an expected parking position; When the car considered the object the car is a movable object); an expected shooting state storing unit which stores expected shooting state information which represents an expected position of the object (in figures 3 – 35 and more specifically in figures 1 - 2 the trajectory of the car is shown in the display item 8 and is considered the guiding information, Note: the car and the surrounding are considered the object. This display portion showing the car and the surrounding in which any of the items shown in the display can be considered the object. Also, paragraphs 0109, 0136 and figures 1 - 2 item 7; camera shooting the surrounding i.e.

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target parking position, the subject vehicle position, and an expected parking position also figures 3 – 35 and paragraphs 0008 *et seq.* target parking position, the subject vehicle position, and an expected parking position; When the car considered the object the car is a movable object); a guide determining unit which determines how the object is to be guided to the expected position based on the expected shooting state information and an image shot by said shooting unit (paragraphs 0109 *et seq.* and figures 1 *et seq.*, trajectory to the target parking position and expected trajectory with notifying means; camera shooting the surrounding i.e. target parking position, the subject vehicle position, and an expected parking position also figures 3 – 35 and paragraphs 0008 *et seq.* target parking position, the subject vehicle position, and an expected parking position); a guide instruction outputting unit which instructs how the object is to be guided to the expected position based on a result of the determination made by said guide determining unit (paragraphs 0109 *et seq.* and figures 1 *et seq.*, trajectory to the target parking position and expected trajectory with notifying means; camera shooting the surrounding i.e. target parking position, the subject vehicle position, and an expected parking position also figures 3 – 35 and paragraphs 0008 *et seq.* target parking position, the subject vehicle position, and an expected parking position); and an image outputting unit which outputs the image shot by said shooting unit (paragraphs 0109 *et seq.* and figures 1 *et seq.*, trajectory to the target parking position and expected trajectory with notifying means using display i.e. paragraphs 0016 *et seq.*; camera shooting the surrounding i.e. target parking position, the subject vehicle position, and an expected parking position also figures 3 – 35 and paragraphs 0008 *et*

seq. target parking position, the subject vehicle position, and an expected parking position).

Regarding **claim 2**, as mentioned above in the discussion of claim 1, Shimizu et al. teaches all of the limitations of the parent claim. Additionally, Shimizu et al. teaches that said guide determining unit determines a direction where the object is to be guided (paragraphs 0109 *et seq.* and figures 1 *et seq.*, trajectory to the target parking position and expected trajectory with notifying means using display i.e. paragraphs 0016 *et seq.*; camera shooting the surrounding i.e. target parking position, the subject vehicle position, and an expected parking position also figures 3 – 35 and paragraphs 0008 *et seq.* target parking position, the subject vehicle position, and an expected parking position).

Regarding **claim 10**, as mentioned above in the discussion of claim 1, Shimizu et al. teaches all of the limitations of the parent claim. Additionally, Shimizu et al. teaches that the said image-outputting unit outputs the image shot by said shooting unit if said guide-determining unit determines that the object is not required to be guided (paragraph 0109; parking aid and mode on/off switch; and when off just an image behind a vehicle is taken).

Regarding **claim 11**, as mentioned above in the discussion of claim 1, Shimizu et al. teaches all of the limitations of the parent claim. Additionally, Shimizu et al. teaches

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that the object possesses a certain pattern (figures 3 – 35, target parking position location and size/shape i.e. pattern); an amount of a pattern to be shot by said shooting unit is defined as the expected shooting state information (figures 3 – 35 and paragraphs 0016 *et seq.*, target parking position location and size/shape i.e. pattern displayed on the monitor); and said guide determining unit determines that the object is not required to be guided (figure 10 item S6, if speed greater than threshold then no guide determined; also if S3 is not activated the process is terminated; also in figure 22 if item S14' OR S12 produce a positive output then the guide process is terminated), if the amount of the pattern, which is detected from the image of the object shot by said shooting unit, is larger than the amount of the pattern, which is defined as the expected shooting state information (figure 10 item S6, if speed greater than threshold then no guide determined; also if S3 is not activated the process is terminated; also in figure 22 if item S14' OR S12 produce a positive output then the guide process is terminated).

Regarding **claim 12**, Shimizu et al. teaches a shooting device (paragraphs 0109, 0136 and figures 1 - 2 item 7; camera), comprising: a shooting unit which shoots an object (paragraphs 0109, 0136 and figures 1 - 2 item 7; camera shooting the surrounding i.e. target parking position, the subject vehicle position, and an expected parking position also figures 3 – 35 and paragraphs 0008 *et seq.* target parking position, the subject vehicle position, and an expected parking position) in a particular color (paragraphs 0022 – 0023, 0045, and 0159; display color can be changed); a detecting unit which detects a proportion of the image in the particular color to a whole of an

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image shot by said shooting unit (paragraphs 0022 – 0023, 0045, and 0159; display color can be changed and the driver can easily recognize the notified content by looking at the color of the display); a guide instruction outputting unit which instructs a direction where the object is to be guided based on a result of detection made by said detecting unit (paragraphs 0109 *et seq.* and figures 1 *et seq.*, trajectory to the target parking position and expected trajectory with notifying means; camera shooting the surrounding i.e. target parking position, the subject vehicle position, and an expected parking position also figures 3 – 35 and paragraphs 0008 *et seq.* target parking position, the subject vehicle position, and an expected parking position); and an image outputting unit which outputs the image shot by said shooting unit (paragraphs 0109 *et seq.* and figures 1 *et seq.*, trajectory to the target parking position and expected trajectory with notifying means using display i.e. paragraphs 0016 *et seq.*; camera shooting the surrounding i.e. target parking position, the subject vehicle position, and an expected parking position also figures 3 – 35 and paragraphs 0008 *et seq.* target parking position, the subject vehicle position, and an expected parking position).

Regarding **claim 16**, as mentioned above in the discussion of claim 1, Shimizu et al. teaches all of the limitations of the parent claim. Additionally, Shimizu et al. teaches that the said guide instruction outputting unit comprises a display unit, and displays a character string corresponding to the result of the determination made by said guide determining unit, on said display unit (paragraphs 0024 *et seq.* character string being displayed on the display).

Regarding **claim 17**, as mentioned above in the discussion of claim 1, Shimizu et al. teaches all of the limitations of the parent claim. Additionally, Shimizu et al. teaches that the said guide instruction outputting unit comprises a display unit (figure 2 item 8), **and displays a graphic or a symbol** corresponding to the result of the determination made by said guide determining unit, on said display unit (figure 2 item 8 and figures 4 *et seq.* expected trajectory displayed on display; paragraphs 0109 *et seq.* and figures 1 *et seq.*, trajectory to the target parking position and expected trajectory with notifying means.

Regarding **claim 18**, as mentioned above in the discussion of claim 1, Shimizu et al. teaches all of the limitations of the parent claim. Additionally, Shimizu et al. teaches that the said guide instruction outputting unit outputs voice guidance corresponding to the result of the determination made by said guide determining unit (paragraph 0018 – 0019, 0040 – 0041, 0110 and 0123; notifying means notifies the driver using sound).

Regarding **claim 20**, Shimizu et al. teaches a method guiding an object (in figures 3 – 35 and more specifically in figures 1 - 2 the trajectory of the car is shown in the display item 8 and is considered the guiding information, Note: the car and the surrounding are considered the object. This display portion showing the car and the surrounding in which any of the items shown in the display can be considered the object. paragraphs 0109 *et seq.* and figures 1 *et seq.*, trajectory to the target parking

position and expected trajectory with notifying means; camera shooting the surrounding i.e. target parking position, the subject vehicle position, and an expected parking position also figures 3 – 35 and paragraphs 0008 *et seq.* target parking position, the subject vehicle position, and an expected parking position; When the car considered the object the car is a movable object) to be shot with a shooting device (paragraphs 0109, 0136 and figures 1 - 2 item 7; camera), comprising: shooting an object with a shooting device, a position of the object being movable (paragraphs 0109, 0136 and figures 1 - 2 item 7; camera; also, in figures 3 – 35 and more specifically in figures 1 - 2 the trajectory of the car is shown in the display item 8 and is considered the guiding information, Note: the car and the surrounding are considered the object. This display portion showing the car and the surrounding in which any of the items shown in the display can be considered the object. paragraphs 0109 *et seq.* and figures 1 *et seq.*, trajectory to the target parking position and expected trajectory with notifying means; camera shooting the surrounding i.e. target parking position, the subject vehicle position, and an expected parking position also figures 3 – 35 and paragraphs 0008 *et seq.* target parking position, the subject vehicle position, and an expected parking position; When the car considered the object the car is a movable object); determining how the object is to be guided based on expected shooting state information which represents an expected position of the object , and an image shot by the shooting device (in figures 3 – 35 and more specifically in figures 1 - 2 the trajectory of the car is shown in the display item 8 and is considered the guiding information, Note: the car and the surrounding are considered the object. This display portion showing the car and the surrounding in

which any of the items shown in the display can be considered the object. paragraphs 0109 *et seq.* and figures 1 *et seq.*, trajectory to the target parking position and expected trajectory with notifying means; camera shooting the surrounding i.e. target parking position, the subject vehicle position, and an expected parking position also figures 3 – 35 and paragraphs 0008 *et seq.* target parking position, the subject vehicle position, and an expected parking position; When the car considered the object the car is a movable object); and outputting a guide instruction of how the object is to be guided to the expected position based on a result of the determination (paragraphs 0109 *et seq.* and figures 1 *et seq.*, trajectory to the target parking position and expected trajectory with notifying means using display i.e. paragraphs 0016 *et seq.*; camera shooting the surrounding i.e. target parking position, the subject vehicle position, and an expected parking position also figures 3 – 35 and paragraphs 0008 *et seq.* target parking position, the subject vehicle position, and an expected parking position).

Regarding **claim 21**, Shimizu et al. teaches a method of shooting an object (in figures 3 – 35 and more specifically in figures 1 - 2 the trajectory of the car is shown in the display item 8 and is considered the guiding information, Note: the car and the surrounding are considered the object. This display portion showing the car and the surrounding in which any of the items shown in the display can be considered the object. paragraphs 0109 *et seq.* and figures 1 *et seq.*, trajectory to the target parking position and expected trajectory with notifying means; camera shooting the surrounding i.e. target parking position, the subject vehicle position, and an expected parking

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position also figures 3 – 35 and paragraphs 0008 *et seq.* target parking position, the subject vehicle position, and an expected parking position; When the car considered the object the car is a movable object) with a shooting device (paragraphs 0109, 0136 and figures 1 - 2 item 7; camera), comprising: a first step of shooting an object with a shooting device, a position of the object being movable (paragraphs 0109, 0136 and figures 1 - 2 item 7; camera; Also, in figures 3 – 35 and more specifically in figures 1 - 2 the trajectory of the car is shown in the display item 8 and is considered the guiding information, Note: the car and the surrounding are considered the object. This display portion showing the car and the surrounding in which any of the items shown in the display can be considered the object. paragraphs 0109 *et seq.* and figures 1 *et seq.*, trajectory to the target parking position and expected trajectory with notifying means; camera shooting the surrounding i.e. target parking position, the subject vehicle position, and an expected parking position also figures 3 – 35 and paragraphs 0008 *et seq.* target parking position, the subject vehicle position, and an expected parking position; When the car considered the object the car is a movable object); a second step of determining how the object is to be guided based on expected shooting state information which represents an expected position of the object, and an image shot by the shooting device (in figures 3 – 35 and more specifically in figures 1 - 2 the trajectory of the car is shown in the display item 8 and is considered the guiding information paragraphs 0016 *et seq.*, Note: the car and the surrounding are considered the object. This display portion showing the car and the surrounding in which any of the items shown in the display can be considered the object. paragraphs 0109 *et seq.* and figures

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1 *et seq.*, trajectory to the target parking position and expected trajectory with notifying means; camera shooting the surrounding i.e. target parking position, the subject vehicle position, and an expected parking position also figures 3 – 35 and paragraphs 0008 *et seq.* target parking position, the subject vehicle position, and an expected parking position; When the car considered the object the car is a movable object); a third step of outputting a guide instruction of how the object is to be guided to the expected position based on a result of the determination (in figures 3 – 35 and more specifically in figures 1 - 2 the trajectory of the car is shown in the display item 8 and is considered the guiding information paragraphs 0016 *et seq.*, Note: the car and the surrounding are considered the object. This display portion showing the car and the surrounding in which any of the items shown in the display can be considered the object. paragraphs 0109 *et seq.* and figures 1 *et seq.*, trajectory to the target parking position and expected trajectory with notifying means; camera shooting the surrounding i.e. target parking position, the subject vehicle position, and an expected parking position also figures 3 – 35 and paragraphs 0008 *et seq.* target parking position, the subject vehicle position, and an expected parking position; When the car considered the object the car is a movable object); and a fourth step of repeating the first through the third steps until it is determined that the object is not required to be guided (in figures 3 – 35 and more specifically in figures 1 - 2 the trajectory of the car is shown in the display item 8 and is considered the guiding information paragraphs 0016 *et seq.*, Note: the car and the surrounding are considered the object. This display portion showing the car and the surrounding in which any of the items shown in the display can be considered the

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object. paragraphs 0109 *et seq.* and figures 1 *et seq.*, trajectory to the target parking position and expected trajectory with notifying means; camera shooting the surrounding i.e. target parking position, the subject vehicle position, and an expected parking position also figures 3 – 35 and paragraphs 0008 *et seq.* target parking position, the subject vehicle position, and an expected parking position; When the car considered the object the car is a movable object).

Regarding **claim 22**, Shimizu et al. teaches a shooting device (paragraphs 0109, 0136 and figures 1 - 2 item 7; camera; also in figures 3 – 35 and more specifically in figures 1 - 2 the trajectory of the car is shown in the display item 8 and is considered the guiding information paragraphs 0016 *et seq.*, Note: the car and the surrounding are considered the object. This display portion showing the car and the surrounding in which any of the items shown in the display can be considered the object. paragraphs 0109 *et seq.* and figures 1 *et seq.*, trajectory to the target parking position and expected trajectory with notifying means; camera shooting the surrounding i.e. target parking position, the subject vehicle position, and an expected parking position also figures 3 – 35 and paragraphs 0008 *et seq.* target parking position, the subject vehicle position, and an expected parking position; When the car considered the object the car is a movable object), comprising: shooting means for shooting an object, a position of the object being movable (in figures 3 – 35 and more specifically in figures 1 - 2 the trajectory of the car is shown in the display item 8 and is considered the guiding information paragraphs 0016 *et seq.*, Note: the car and the surrounding are considered

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the object. This display portion showing the car and the surrounding in which any of the items shown in the display can be considered the object. paragraphs 0109 *et seq.* and figures 1 *et seq.*, trajectory to the target parking position and expected trajectory with notifying means; camera shooting the surrounding i.e. target parking position, the subject vehicle position, and an expected parking position also figures 3 – 35 and paragraphs 0008 *et seq.* target parking position, the subject vehicle position, and an expected parking position; When the car considered the object the car is a movable object); storing means for storing expected shooting state information which represents an expected position of the object (in figures 3 – 35 and more specifically in figures 1 - 2 the trajectory of the car is shown in the display item 8 and is considered the guiding information paragraphs 0016 *et seq.*, Note: the car and the surrounding are considered the object. This display portion showing the car and the surrounding in which any of the items shown in the display can be considered the object. paragraphs 0109 *et seq.* and figures 1 *et seq.*, trajectory to the target parking position and expected trajectory with notifying means; camera shooting the surrounding i.e. target parking position, the subject vehicle position, and an expected parking position also figures 3 – 35 and paragraphs 0008 *et seq.* target parking position, the subject vehicle position, and an expected parking position; When the car considered the object the car is a movable object); guide determining means for determining how the object is to be guided to the expected position based on the expected shooting state information and an image shot by said shooting means (in figures 3 – 35 and more specifically in figures 1 - 2 the trajectory of the car is shown in the display item 8 and is considered the guiding

information paragraphs 0016 *et seq.*, Note: the car and the surrounding are considered the object. This display portion showing the car and the surrounding in which any of the items shown in the display can be considered the object. paragraphs 0109 *et seq.* and figures 1 *et seq.*, trajectory to the target parking position and expected trajectory with notifying means; camera shooting the surrounding i.e. target parking position, the subject vehicle position, and an expected parking position also figures 3 – 35 and paragraphs 0008 *et seq.* target parking position, the subject vehicle position, and an expected parking position; When the car considered the object the car is a movable object); guide instruction outputting means for instructing how the object is to be guided to the expected position based on a result of the determination made by said guide determining means (in figures 3 – 35 and more specifically in figures 1 - 2 the trajectory of the car is shown in the display item 8 and is considered the guiding information paragraphs 0016 *et seq.*, Note: the car and the surrounding are considered the object. This display portion showing the car and the surrounding in which any of the items shown in the display can be considered the object. paragraphs 0109 *et seq.* and figures 1 *et seq.*, trajectory to the target parking position and expected trajectory with notifying means; camera shooting the surrounding i.e. target parking position, the subject vehicle position, and an expected parking position also figures 3 – 35 and paragraphs 0008 *et seq.* target parking position, the subject vehicle position, and an expected parking position; When the car considered the object the car is a movable object); and image outputting means for outputting the image shot by said shooting means (paragraphs 0109 *et seq.* and figures 1 *et seq.*, trajectory to the target parking position and expected

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trajectory with notifying means using display i.e. paragraphs 0016 *et seq.*; camera shooting the surrounding i.e. target parking position, the subject vehicle position, and an expected parking position also figures 3 – 35 and paragraphs 0008 *et seq.* target parking position, the subject vehicle position, and an expected parking position).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu et al. (US PgPub 2002/0041239) in view of Shimazaki et al. (US PgPub. 2002/0198634).

Regarding claim 19, as mentioned above in the discussion of claim 1 Shimizu et al. teaches all of the limitations of the parent claim.

However, Shimizu et al. fails to teach that the said guide instruction-outputting unit generates stereophonic sound corresponding to the result of the determination made by said guide determining unit. Shimazaki et al., on the other hand teaches a guide instruction-outputting unit generates stereophonic sound corresponding to the result of the determination made by said guide determining unit.

More specifically, Shimazaki et al. teaches a guide instruction-outputting unit generates stereophonic sound corresponding to the result of the determination made by said guide determining unit (paragraph 0029).

Therefor, one of ordinary skill in the art at the time the invention was made would have found it obvious to use the stereophonic sound of Shimazaki et al. in an audio system in Shimizu et al. invention of to create a pleasant and natural impression of sound heard from various directions, as in natural hearing.

Conclusion

THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Usman Khan whose telephone number is (571) 270-

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1131. The examiner can normally be reached on Mon-Thru 6:45-4:15; Fri 6:45-3:15 or Alt. Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Usman Khan/

Usman Khan
06/22/2008
Patent Examiner
Art Unit 2622

/David L. Ometz/
Supervisory Patent Examiner, Art
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